

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD WOJTCZAK,

Plaintiff

V.

**PENNSYLVANIA DEPARTMENT
OF CORRECTIONS, *et al.*,**

Defendants

• • • • •

CIVIL NO. 1:CV-01-1163

(Judge Rambo)

(Magistrate Judge Mannion)

ORDER

Before the court is a report of the magistrate judge in which he recommends that the Corrections Defendants' motion for summary judgment be granted and the amended complaint be dismissed for Plaintiff's failure to exhaust administrative remedies. No objections to the report and recommendation have been filed.¹ Upon consideration of the record before the court and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The court adopts the report and recommendation of Magistrate Judge Mannion.
- 2) The Corrections Defendants' motion for summary judgment (doc. 31) is GRANTED and the Clerk of Court shall enter judgment in favor of the Corrections Defendants and against Plaintiff.
- 3) The amended complaint is dismissed for Plaintiff's failure to exhaust administrative remedies.
- 4) The Clerk of Court shall close the file.

¹Objections to the report and recommendation were due no later than June 24, 2004.

5) It is certified that any appeal from this order will be deemed frivolous and not taken in good faith.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge

Dated: July 21, 2004.